

REMARKS

The application has been reviewed in light of the final Office Action dated September 29, 2003. Claims 1-20 are pending and presented for examination in this application, with claims 1, 6, 15 and 20 being in independent form.

Claims 1, 6 and 20 have been amended hereby to place the claims in better form for examination and to clarify the claimed invention, without narrowing the scope of the claim. It is submitted that no new matter and no new issues have been introduced by the present amendment. Accordingly, Applicants respectfully request entry of this amendment.

The Office Action states that formal drawings are required.

Accordingly, Applicants submit herewith a set of formal drawings (six sheets, Figs. 1 through 3-2) as **Exhibit A** attached hereto.

Claim 2 was rejected under 35 U.S.C. §112, second paragraph, as purportedly indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The Office Action stated that the recitation of “said third range” in claim 2, lines 9-10 has insufficient antecedent basis.

Applicants respectfully point out that “said third range” in claim 2, lines 9-10 has antecedent basis in recitation of “a third range” in claim 2, line 5.

Accordingly, withdrawal of the rejection under 35 U.S.C. §112, second paragraph is requested.

Claims 1-20 were rejected under 35 U.S.C. §102(e) as allegedly anticipated by U.S. Patent No. 6,078,897 to Rubin et al.

Applicants have carefully considered the Examiner’s comments and the cited art, and

respectfully submit that independent claims 1, 6, 15 and 20 are patentable over the cited art, for at least the following reasons.

This application relates to promotion of product sales in Internet transactions. Applicants found that the sales potential of marketing products through the Internet can be enhanced by offering promotions functionally related to an order the customer places. According to the application, promotion information is displayed, however, only if the initial order has a selected characteristic. In some instances, as discussed for example in the application at, for example, page 7, lines 10-16, a customer may only desire to purchase a few units of a product, and therefore would not be interested in a volume discount. Accordingly, when the initial order is for only a few units (for example, not higher than a minimum quantity), quantity-based promotions need not be presented.

Independent claim 1 is directed to a method of promoting product sales in Internet transactions. Display information is delivered to a customer side for ordering products by entering order information at the customer side for transmission to a seller side via the Internet. In response to an initial order entered at the customer side for a specified product and a specified quantity thereof that is in a first selected range, order processing information is delivered, without promotion information, to the customer side for the initial order. If the specified quantity of the specified product of the initial order is in a second selected range higher than a minimum quantity and the first range, information indicative of at least a first promotion functionally related to the initial order that is within the second range is delivered to the customer side display.

It is well-established that anticipation under 35 U.S.C. §102 requires the disclosure of each and every element of a claim exactly.

The cited art does not disclose or suggest each and every element of a claim exactly, and

therefore does not render the claimed invention unpatentable.

Rubin, as understood by Applicants, is directed to a methodology for identifying an increased volume discount that would attract a customer to place a higher order than an original order entered by the customer. According to Rubin, when a proposed order is received from a customer, one or more additional orders is identified (regardless of whether the proposed order is above a minimal quantity or not) that, when added to the proposed order increases the discount for the total order to a level that is higher than the volume discount of the proposed order. The difference in the discounted price between (a) the proposed order on the one hand and (b) on the other hand the total order including the additional orders is displayed to the user even if the proposed order is below a minimal quantity.

The Office Action asserts that Rubin discloses delivering to the customer side display information indicative of at least a first promotion functionally related to the initial order if the specified quantity of the specified product is within a second range that is higher than the first range. However, no citation to support in Rubin is provided for the assertion.

The Office Action cites Fig. 3 of Rubin in connection with independent claims 6, 15 and 20.

Fig. 3 and the corresponding discussion in Rubin (column 8, line 6 through column 9, line 24) disclose a method of identifying orders for additional products to realize a higher discount than in the original order entered by the customer. In particular, a discount table in a database stores vendor discount threshold and catalog information. Each record in the table identifies a vendor, a volume and a discount. When a proposed order is entered by the customer, the discount table is accessed to determine a record having a lowest associated volume in the discount table that exceeds the volume of the proposed order entered by the customer, and the

additional quantity that needs to be added to the proposed order to reach the volume associated with the record is determined and then presented along with the associated additional discount to the customer.

Applicants do not find disclosure or suggestion by Rubin, however, of delivering to the customer side display information indicative of at least a first promotion functionally related to the initial order, only if the specified quantity of the specified product of the initial order is in a second selected range higher than a minimum quantity and the first range, as provided by the method recited in independent claim 1 as amended.

Since Rubin does not disclose or suggest each and every feature of the claimed invention exactly, Rubin does not render the claimed invention unpatentable.

Independent claims 6, 15 and 20 are patentably distinct from Rubin for at least similar reasons.

Accordingly, for at least the above-stated reasons, Applicants respectfully submit that independent claims 1, 6, 15 and 20, and the claims depending therefrom, are patentable over the cited references.

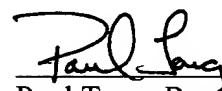
If a petition for an extension of time is required to make this response timely, this paper should be considered to be such a petition, and the Commissioner is authorized to charge the requisite fees to our Deposit Account No. 03-3125.

The Office is hereby authorized to charge any additional fees that may be required in connection with this amendment and to credit any overpayment to our Deposit Account No. 03-3125.

If a telephone interview could advance the prosecution of this application, the Examiner is respectfully requested to call the undersigned attorney.

Reconsideration and allowance of this application are respectfully requested.

Respectfully submitted,



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